

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Upon entry of this Response, claims 27-32 and 46-63 will be pending in the present application.

Claims 27, 46, and 50 have been amended.

Claims 62 and 63 have been added.

Claims 1-26 and 33-45 were previously cancelled.

Claims 27-32, 46-52 and 58-61 stand rejected under 35 U.S.C. § 102(e)

The Examiner rejects Claims 27-32, 46-52 and 58-61 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Huebner (U.S. Pub. 2004/0102776). Applicants respectfully traverse this rejection for the reasons presented below.

Amended independent Claim 27, and similarly amended independent Claim 46, presently recite, *inter alia*, “a lock carried by the body, the lock being movable with respect to at least one of the first and second attachment zones among a plurality of locked positions, wherein when positioned in one of the plurality of locked positions, the lock inhibits the pivotal movement between the first and second attachment zones to a first angular configuration, and when positioned in a different one of the plurality of locked positions, the lock inhibits pivotal movement between the first and second attachment zones to a second angular configuration different from the first angular configuration.” Examples of such lock may be found, for example, without limitation, as: element 68 in Figs. 13A and 13B; element 71 in Figs. 14A and 14B; element 67 in Figs. 17A-17B; and element 68 in Figs. 18A-18C, of the present application.

In contrast to the recited lock that is “movable . . . among a plurality of locked positions”, lock screw 112 of Huebner can only be positioned in one locked position, a tightened position. When lock screw 112 is positioned in any position other than the tightened position, the lock screw is not locked. Hence, the lock screw 112 of Huebner plainly fails to disclose or suggest a lock “movable . . . among a plurality of locked positions” as recited in Claim 27, and similarly in Claim 46, and thus fails to anticipate such claims. Accordingly, Claims 27 and 46 as well as Claims

28-32 and 47-49 which depend therefrom, should be allowed over Huebner.

Amended Claim 50 presently recites, *inter alia*, “a second attachment zone configured for attachment to a second portion of a hyoid bone, the second attachment zone being coupled to the first attachment zone at a flex point to provide a pivotable relationship therebetween; and a locking member attached to the first attachment zone and the second attachment zone for selectively adjusting, and fixing, the pivotable relationship between the first attachment zone and second attachment zone.” In rejecting Claim 50, the Examiner equates the locking screw 112 of Huebner to the locking member recited in Claim 50. However, the recited locking member is “attached to the first attachment zone and the second attachment zone for selectively adjusting, and fixing, the pivotable relationship between the first attachment zone and second attachment zone.” Figs. 13A and 13B, Figs. 14A and 14B, Figs. 17A-17B, and Figs. 18A-18C, of the present application show examples, without limitation, of such locking members that are used for both selectively adjusting, and fixing the pivotal relationship.

In contrast to the locking member that is used to both selectively adjust and fix a pivotable relationship, locking screw 112 of Huebner is only capable of locking or unlocking the connection between plates 80 and 84. While the relationship of plates 80 and 84 may be changed while locking screw 112 is unlocked, clearly locking screw 112 is not capable of selectively adjusting, as recited in claim 50, but instead, is solely capable of locking. Hence, the lock screw 112 of Huebner plainly fails to disclose or suggest a locking member “attached to the first attachment zone and the second attachment zone for selectively adjusting, and fixing, the pivotable relationship between the first attachment zone and second attachment zone” as recited in Claim 50 and thus fails to anticipate such claim. Accordingly, Claim 50, as well as Claims 51-52 and 58-61 which depend therefrom, should be allowed over Huebner.

In view of the foregoing, withdrawal of the rejection of Claims 27-32, 46-52 and 58-61 under 35 U.S.C. § 102(e) is respectfully requested.

Claims 53-57 stand rejected under 35 U.S.C. § 103(a)

The Examiner rejects Claims 53-57 under 35 U.S.C. § 103(a) as being unpatentable over Huebner. Applicants respectfully traverse this rejection for the reasons presented below.

Claims 53-57 depend, directly or indirectly, from Claim 50, which, as previously discussed, is believed to be allowable over Huebner. Accordingly, Claims 53-57 are likewise believed allowable over Huebner for at least the same reasoning as Claim 50.

In view of the foregoing, withdrawal of the rejection of Claims 53-57 under 35 U.S.C. § 103(a) is respectfully requested.

New Claims

Newly added Claims 62 and 63 are believed allowable over the art of record for at least similar reasoning as that previously discussed in regard to Claims 27-32 and 46-61.

Summary and Conclusion

In summary, it is submitted that all of the pending claims, Claims 27-32 and 46-63, are patentably distinguishable over the references of record. All objections and rejections have been addressed.

It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

No additional claim fees are believed to be required as a result of the above amendments to the claims. However, if any fees are determined to be due, the Commissioner is authorized to charge any such fees, to deposit account no. 14-1270.

Respectfully submitted,
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